

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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UNITED STATES OF AMERICA

v.

SHERYL A. HALEY

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CLERK  
U.S. DISTRICT COURT

Criminal No. 10-78

INFORMATION MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Robert S. Cessar, Acting United States Attorney for the Western District of Pennsylvania, and Scott W. Brady, Assistant United States Attorney for said District, and submits this Information Memorandum to the Court:

I. THE INFORMATION

A one-count Information was filed against the above-named defendant for an alleged violation of federal law:

<u>COUNT</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1	Destruction of Records Required to be Maintained by a Labor Organization From in and around June 2005 until in and around August 2008.	29 U.S.C. § 439(c)

II. ELEMENTS OF THE OFFENSES

A. As to Count 1:

In order for the crime of Destruction of Records Required to be Maintained by a Labor Organization, in violation of Title 29, United States Code, Section 439(c), to be established, the

government must prove all of the following essential elements beyond a reasonable doubt:

1. That a record required to be kept under 29 U.S.C. § 436 was falsified, concealed, withheld or destroyed.

2. That the defendant falsified, concealed, withheld or destroyed the record.

3. That the defendant acted willfully.

Title 29 U.S.C. §§ 439(c), 436 and 431(b); Seventh Circuit Court of Appeals Committee Instruction No. 6.01; United States v. Haggerty, 419 F.2d 1003, 1007-09 (7th Cir. 1969), cert. denied, 397 U.S. 1064.

### III. PENALTIES

A. As to Count 1: Destruction of Records Required to be Maintained by a Labor Organization (29 U.S.C. § 439(c)):

1. Individuals - The maximum penalties for individuals are:

(a) imprisonment of not more than 1 year (29 U.S.C. § 439(c));

(b) a fine not more than \$100,000.00, (18 U.S.C. § 3571(b)(5));

(c) a term of supervised release of not more than one (1) year, (18 U.S.C. § 3583);

(d) any or all of the above.

**IV. MANDATORY SPECIAL ASSESSMENT**

A mandatory special assessment of \$25.00 must be imposed upon conviction pursuant to 18 U.S.C. § 3013.

**V. RESTITUTION**


Restitution may be required in this case as to Count One, together with any authorized penalty, as part of the defendant's sentence pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

**VI. FORFEITURE**

Not applicable in this case.

Respectfully submitted,

ROBERT S. CESSAR  
Acting United States Attorney

  
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SCOTT W. BRADY  
Assistant U.S. Attorney  
PA ID No. 88352